

FBI Agents In 'Bug' Case Back on Duty

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Five Richmond FBI agents, placed on administrative leave earlier this month as a grand jury investigated an illegal Richmond police wiretap, have been restored to active duty.

Sources said the five men faced possible charges of obstruction of justice; however, the agents told superiors they acted on the advice of a Justice Department prosecutor in handling the controversial wiretap case.

FBI Director Clarence M. Kelley, with the approval of the Justice Department, directed the agents be returned to active duty Tuesday night, spokesmen for the Justice Department and the FBI said yesterday.

Kelley made his decision after he learned the agents' version of the wiretap case, a source close to the Bureau said.

The agents, according to the source, earlier had been asked by prosecutors not to discuss the case with anybody, including their superiors.

The agent's role in the case springs from their discovery of the illegal wiretap on a Henrico County telephone, outside Richmond, and their failure to confiscate the device, sources said. Instead, the

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agents returned the wiretap device to Richmond police, who were conducting the wiretap, an action that violated Justice Department rules, sources said.

A "less than complete" report was filed on the incident, the sources said, and none of the Richmond police officials were charged in connection with the wiretap, which was not authorized as required by Virginia law.

According to a source close to the FBI, the agents have said the decision not to file criminal charges in the case was made initially by G. Rodney Sager, an assistant U.S. attorney in Richmond. Sager "originally declined on the facts as presented" to him by the agents, the source said.

Sager could not be reached for comment yesterday, but a Justice Department spokesman said the decision to restore the men to active duty

should not be viewed as being an exoneration by the department.

The grand jury investigation, being conducted by Guy L. Goodwin, a Justice Department lawyer from Washington, is continuing, the department spokesman said.

The agents are expected to remain in Washington, pending completion of the grand jury investigation.

The Justice Department on Monday switched the case to a special investigative grand jury that had been hearing allegations of corruption in the Richmond office of the Small Business Administration. One reason given for the switch was that Sager had been regularly appearing before the initial grand jury as a prosecutor.

He was also called as a witness before the jury and has been said to be a prospective witness in any criminal proceeding that might result from the investigation.

The suspension of the five agents with pay on Aug. 4 was said to have been without precedent. The action affected the special agent in charge of the FBI's Richmond office, James E. Decker, his assistant, L. G. Brockman and the three agents who were sent to the scene of the wiretap, Hugh McMenamin, Delbert Roberts, and Warren Delp.

Herbert Monahan Jr., an inspector in the FBI's Washington office, this week was named acting special agent in charge of the Richmond office, replacing another FBI agent from Washington who had been dispatched to Richmond on a temporary basis.